

HOUSE BILL No. 2061

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5.1-2.

Synopsis: Magistrates in Marion superior court. Converts 19 county-paid commissioner positions on the Marion superior court to 19 state-paid magistrate positions. Allows a magistrate appointed by the presiding judge of the Marion superior court to hear civil proceedings.

Effective: July 1, 2001.

Bardon

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2061

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-5.1-2-26, AS AMENDED BY P.L.196-1999,
2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 26. (a) The presiding judge may appoint one (1)
4 full-time magistrate under IC 33-4-7.
5 ~~(b) A magistrate appointed under this section may only hear~~
6 ~~criminal proceedings.~~
7 ~~(c)~~ (b) The magistrate continues in office until removed by the
8 presiding judge.
9 SECTION 2. IC 33-5.1-2-27 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. (a) In addition to
11 the magistrate appointed under section 26 of this chapter, the judges of
12 the superior court may, by a vote of a majority of the judges, appoint
13 ~~four (4)~~ **twenty-three (23)** full-time magistrates under IC 33-4-7.
14 (b) Not more than ~~two (2)~~ **twelve (12)** of the magistrates appointed
15 under this section may be of the same political party.
16 (c) The magistrates continue in office until removed by the vote of
17 a majority of the judges of the court.



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1 (d) A party to a superior court proceeding that has been assigned to
2 a magistrate appointed under this section may request that an elected
3 judge of the superior court preside over the proceeding instead of the
4 magistrate to whom the proceeding has been assigned. Upon a request
5 made under this subsection by either party, the magistrate to whom the
6 proceeding has been assigned shall transfer the proceeding back to the
7 superior court judge.

8 SECTION 3. [EFFECTIVE JULY 1, 2001] **Notwithstanding**
9 **IC 33-5.1-2-27, as amended by this act, the initial magistrates**
10 **added by this act are nineteen (19) of the commissioners serving**
11 **the Marion superior court on June 30, 2001. If more than nineteen**
12 **(19) commissioners are serving the Marion superior court on June**
13 **30, 2001, the initial nineteen (19) magistrates added by**
14 **IC 33-5.1-2-27, as amended by this act, shall be selected from the**
15 **commissioners serving the Marion superior court on June 30, 2001,**
16 **by a vote of a majority of the judges of the Marion superior court.**
17 **An initial magistrate selected under this SECTION may be**
18 **removed as a magistrate by the vote of a majority of the judges of**
19 **the Marion superior court.**

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